

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WING SHING PRODUCTS (BVI) LTD., }

Plaintiff, }

} CIVIL ACTION: 01 Civ. 1044 (RJH)

SIMATELEX MANUFACTORY CO., LTD., }

Defendant. }

MOTION TO DISMISS

Defendant Simatelex Manufactory Company, Ltd. ("Simatelex") moves this Court for an order dismissing the Plaintiff's complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and as grounds therefore, submits that this Court lacks jurisdiction over Simatelex because of a lack of contacts with the State of New York sufficient to support personal jurisdiction under the requirements of Section 302, Civil Practice Law and Rules of New York, and of the Fifth and Fourteenth Amendments of the Constitution of the United States, and further submits that the Plaintiff's complaint fails to state a claim upon which relief can be granted. Simatelex files simultaneously herewith a supporting memorandum of law as required by the local rules of this Court.

/s/ William Bradley Smith
ORRIN K. AMES, III (AMES03454) (Alabama)
WILLIAM BRADLEY SMITH (WS3773)
HAND ARENDALL, L.L.C.
Post Office Box 123
Mobile, AL 36601
Tel: (251) 432-5511
DID: (251) 694-6204
Fax: (251) 694-6375

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of July, 2004, served a copy of this Motion to Dismiss on the counsel whose names are listed below by placing a copy in the United States Mail, properly addressed and postage prepaid.

/s/ William Bradley Smith
WILLIAM BRADLEY SMITH

COUNSEL OF RECORD:

William Dunnegan, Esq.
Ronald L. Zaslow, Esq.
Perkins & Dunnegan
720 5th Avenue
New York, NY 10019